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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,941

02/10/2006

David Jay Duffield

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EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

02/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,941	Applicant(s) DUFFIELD ET AL.	
	Examiner ANDRAE S. ALLISON	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed November 17, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

1. The Office Action has been made issued in response to amendment filed November 11, 2008. Claims 1-22 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and are not persuasive Accordingly, this action has been made FINAL.

Specification

In light of Applicant's comments, the Examiner withdraws the objection because Applicant's abstract is proper.

Drawing

Applicant has cancels the claims that have features that were not present in the drawings. Therefore, the objection is withdrawn. .

Claim Rejections – 35 USC section § 102 & 103

Applicant on pages 7-8, argues that Chaum does not teach an identifier, however, the Examiner disagrees. The protection area is analogous to Applicant's identifier because they both perform the same function of identifying a copy of an image sequence. Applicant further argues that the "protection area" in Chaum is invisible,

however, in column 6, lines 41-62, Chaum teaches where the “protection area” is inserted into the back of the film.

On page 8, Applicant further argued that Chaum does not teach determining of he at least one identifier based upon the measured illumination, however, the Examiner disagree since Chaum clearly teach determining of he at least one identifier based upon the measured illumination in the abstract. In response to Applicant argument that Chaum does not teach that the identifier is overlaid over the presented images, the Examiner disagrees, since in column 6, lines 41-62, Chaum teaches where the “protection area” is inserted into the back of the film.

Applicant on page 10 argues that Chaum does not teach the use of forward error correction, the Examiner agrees, since this limitation appeared in claim 8 and Chaum was not relied upon for the rejection of claim 8. The Examiner specifically pointed out that Chaum fail to teach the use of forward error correction and introduce Zhang to cure this deficiency of Chaum and also provided a motivation.

Claim Rejections - 35 USC § 102

2. \The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 11-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaum (US Patent No.: 5,959,717).

As to independent claim 1 Chaum discloses a method for marking a copy of an image sequence (method for copy prevention of motion picture information – see column 1, lines 55-60) comprising the steps of: presenting the image sequence on a screen (see column 4, lines 8-11 - where the motion picture is projected on a screen); and projecting onto the screen at least one identifier distinct from the image sequence such that the identifier is displayed using visible light along with the presented image sequence (note that messages can be also be projected along with the motion picture – column 6, lines 21-34) and such that the identifier is overlaid over the presented image (see column 6, lines 41-62 where a protection area is inserted into the background).

As to independent claim 12, this claim differs from claim 1 only in that claim 12 is system whereas, claim 1 is method and the limitation a projector is additively recited. Chaum clearly teaches a system (see Fig 1) comprising: a projector (12 – see Fig 1).

As to claim 2, Chaum teaches the method, wherein said step of presenting the at least one identifier further comprises the steps of: measuring an illumination of at least a portion of the image sequence presentation (see column 4, lines 42-50); and determining a projection brightness for the at least one identifier based upon the measured illumination (see column 4, lines 52-60).

As to claim 3, Chaum teaches the method, further comprising the step of determining a projection location (video display sub-area – see column 4, lines 10) of

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the at least one identifier based upon the measured illumination.

As to claim 4, note the discussion of claim 2 above.

As to claim 5, note the discussion of claim 3 above.

As to claim 6, Chaum teaches the method, wherein the at least one identifier is presented at periodic intervals (see column 4, lines 65-67).

As to claim 7, Chaum teaches the method, wherein the at least one identifier defines at least one parameter selected from the group consisting of a theater location (copying source location – see column 8, lines 5-14).

As to claim 11, Chaum teaches the method, wherein the image sequence is a movie (moving picture – see column 1, line 48).

Claims 13-18 differ from claims 2-7 only in that claims 2-7 are method claims whereas, claims 13-18 are system claims. Thus, individual claims 13-18 is analyzed as previously discussed with respect to claims 2-7 above.

Claim 21 differ from claim 11 only in that claim 11 is a method claim whereas, claim 21 is a system claim. Thus, claim 21 is analyzed as previously discussed with respect to claim 11 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaum (US Patent No.: 5,959,717) in view of Zhang et al (US Patent No.: 7,231,062).

As to claim 8, Chaum does not expressly disclose the method, wherein the projected at least one identifier represents marking data comprising a forward error correction code. Zhang discloses an image processing method (column 1, lines 11-15) wherein the projected at least one identifier represents marking data comprising a forward error correction code (see column 6, lines 7-39 – where video data includes exclusive NOR error correcting code). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have combined the teaching of Chaum and Zhang to the embedded information does not have any adverse influence on the image quality and the embedded information is easily applicable to data-compressed

images are more surely guaranteed (see column 11, lines 25-31).

As to claim 9, note the discussion of claim 8 above.

As to claim 10, note the discussion above, Zhang teaches the method, wherein the forward error correction code represents an exclusive NOR operation of at least some of the marking data (see column 6, lines 7-39).

Claims 19-21 differ from claims 8-10 only in that claims 8-10 are method claims whereas, claims 19-21 are system claims. Thus, individual claims 19-21 is analyzed as previously discussed with respect to claims 8-10 above.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is (571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

February 9, 2009

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/Jingge Wu/

Supervisory Patent Examiner, Art Unit 2624